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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,258	08/26/2003	Koichi Nishimura	392.1811	2081
21171	7590	09/26/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			MACKEY, JAMES P	
			ART UNIT	PAPER NUMBER
			1722	

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/647,258	Applicant(s) NISHIMURA ET AL.	
	Examiner James Mackey	Art Unit 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/26/03; 2/9/04; 1/18/05; 8/26/05</u> | 6) <input type="checkbox"/> Other: ____ |

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 11-12, "the adjusting mechanism" and "the guide face" are indefinite, since lines 6-10 of claim 1 recite plural adjusting mechanisms and plural guide faces. Claims 4-9 are similarly indefinite due to the recitations of a single adjusting mechanism and a single guide face.

Claim 3 recites the limitation "the movable platen" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the base frame" in line 4. There is insufficient antecedent basis for this limitation in the claim.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4 and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japanese Patent Document 7-195473.

Japan '473 teaches a clamping mechanism comprising guide faces 4 formed at an inside surface of a base, and adjusting mechanisms 5 fixed under the moving mold platen 2 so as to freely abut against the guide faces to adjust the inclination of the moving platen, the adjusting

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mechanisms comprising fixing members 8 having a slope and slide plates 20 having a slope adapted to contact the slope of the respective fixing members such that the slide plates are interposed between the fixing members and the guide faces and such that the slide plate face opposite the slide plate slope comes into contact with the respective guide face, wherein the slide plates are attached to the fixing members via screws 16.

5. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japanese Patent Document 9-262884.

Japan '884 teaches a clamping mechanism comprising guide faces 3 formed at an inside surface of base B, and adjusting mechanisms 10, 42 fixed under the moving platen 24 so as to freely abut against the guide faces to adjust the inclination of the moving platen.

6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japanese Patent Document 62-104918.

Japan '918 teaches a clamping mechanism comprising guide faces 3 formed at a base, and adjusting mechanisms 20 fixed to the underside of the moving mold platen 5 for adjusting the inclination of the moving platen.

7. Claims 1, 2, 4, 8 and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hehl (U.S. Patent 4,453,912).

Hehl '912 teaches a clamping mechanism comprising guide faces 27 formed at an inside surface of base frame 25, 26, and adjusting mechanisms fixed to the underside of the moving mold platen 12 for adjusting the inclination of the moving platen, the adjusting mechanisms comprising a fixing member 13 fixed to the moving platen, a screw 15, 16 screwed to the fixing

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member, and a plate 17 disposed at the tip of the screw, the plate sliding with respect to the guide faces, and wherein the plate includes rollers 20 for engaging with the guide faces.

8. Claims 1, 2, 7 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sauerbruch et al. (U.S. Patent 3,674,400; Figures 14-16).

Sauerbruch et al. teach a clamping mechanism comprising guide faces 11 formed on a base 10, and adjusting mechanisms fixed to the moving mold platen 5 for adjusting the inclination of the moving platen. In one embodiment (Figure 14), the adjusting mechanisms include a fixing member 27' fixed to the moving platen, a screw 30 screwed to the fixing member, and a plate 29 disposed at the tip of the screw and sliding with respect to the guide face (claim 8); in another embodiment (Figure 15), the adjusting mechanisms include a fixing member 27'' attached to the moving platen and having a slope, a slide plate 31 having a slope contacting the slope of the fixing member and a face opposite the slope thereof which contacts the guide face, and a screw 30' attaching the slide plate to the fixing member (claim 7).

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Japanese Patent Document 7-195473, Japanese Patent Document 9-262884, Japanese Patent Document 62-104918, Hehl (U.S. Patent 4,453,912) and Sauerbruch et al. (U.S. Patent 3,674,400; Figures 14-16), in view of Shima et al. (U.S. Patent 4,571,169; Figures 1 and 7).

Each of Japan '473, Japan '884, Japan '918, Hehl '912 and Sauerbruch et al. disclose the clamping mechanism substantially as claimed, except for the adjusting mechanisms being associated with a rear platen which is disposed opposite to the stationary platen with respect to the movable mold platen. Shima et al. disclose a clamping mechanism comprising stationary mold platen 2, movable mold platen 7, and rear platen 8 disposed opposite to the stationary platen with respect to the movable mold platen, with adjustable sliding guides 46, 47 located at both the movable mold platen and the rear platen. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify any one of Japan '473, Japan '884, Japan '918, Hehl '912 and Sauerbruch et al. by providing the adjusting mechanisms associated with the

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rear platen, as disclosed in Shima et al., in order to permit adjustment of the inclination of either or both of the movable mold platen and the rear platen.

13. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Japanese Patent Document 7-195473, Japanese Patent Document 9-262884, Japanese Patent Document 62-104918, Hehl (U.S. Patent 4,453,912) and Sauerbruch et al. (U.S. Patent 3,674,400; Figures 14-16).

Each of Japan '473, Japan '884, Japan '918, Hehl '912 and Sauerbruch et al. disclose the clamping mechanism substantially as claimed, except for the adjusting mechanisms being mounted to the base for cooperation with guide faces formed at a side surface in the lower portion of the moving platen. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify any one of Japan '473, Japan '884, Japan '918, Hehl '912 and Sauerbruch et al. by providing the adjusting mechanisms mounted to the base for cooperation with guide faces formed at a side surface of the lower portion of the moving platen, since a skilled artisan would have recognized that the adjustable support of the moving platen would function equally well with the guide faces and cooperating adjusting mechanisms located at either the base or the moving platen, and since such amounts to the mere reversal of location of parts without affecting the functioning of the machine; note that it has generally been recognized that to shift location of parts when the operation of the device is not otherwise changed is within the level of ordinary skill in the art, see *In re Japikse*, 86 USPQ 70, and *In re Gazda*, 104 USPQ 400.

14. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document 62-104918 (Figures 1-4).

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Japan '918 discloses a clamping mechanism substantially as claimed, comprising guide faces 3 formed at a base, and adjusting mechanisms 20 fixed to the underside of the moving mold platen 5 for adjusting the inclination of the moving platen, each adjusting mechanism including a fixing shaft 23 having a head 23a and an eccentric leg 23b, and a rotary roller 25 rotating around the eccentric leg of the fixing shaft and abutting against the guide face. Japan '918 does not disclose that the fixing shaft includes a leg and an eccentric head deviated from the axis of the leg such that the roller rotates around the head of the fixing shaft. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Japan '918 by providing the roller rotating around the eccentric head of the fixing shaft rather than the eccentric leg of the fixing shaft, since such were equivalent means for eccentrically adjustably supporting the roller in the adjustment mechanism.

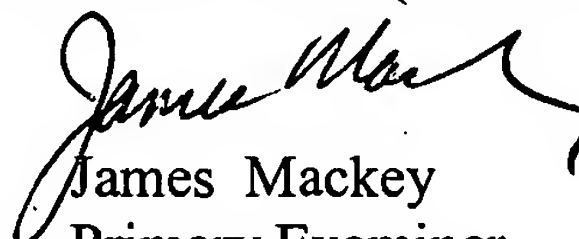
15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Mackey whose telephone number is 571-272-1135. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James Mackey
Primary Examiner
Art Unit 1722
9/21/05

jpm
September 21, 2005